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Application No. 09/885,779

S&amp;L File No. 24,839 USA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ronald P. Doyle and Marcia L. Peters

Application No.: 09/885,779

Examiner: D. Tran

Filing Date: 6/20/01

Group Art: 3661

Title: METHOD AND APPARATUS FOR ENHANCED SAFETY IN HUNTING ENVIRONMENTS

11 Response  
Sara Harvell  
10/8CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence, along with any papers indicated as being enclosed, are being transmitted via facsimile to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, Attn: Examiner Tran at (703) 305-3597 on September 17, 2003

9/17/2003  
Date

Sara Harvell  
Sara Harvell

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO THIRD OFFICE ACTION DATED JUNE 17, 2003REMARKS

Applicant respectfully thanks the Examiner for the courtesy extended in the telephone interview of September 16, 2003. In that interview, the Examiner and Applicant reached agreement as to the two points discussed and mentioned in the outline for the interview that Applicant filed on September 12, 2003. The Examiner indicated that she would need to update her search before the case could be allowed. It was agreed that Applicant would, therefore, file a response to the outstanding Office Action essentially repeating the points set forth in the interview outline in order to stop the clock on responding to the Office Action.

Applicant respectfully thanks the Office for the indication that dependent claims 3, 11, and 20 distinguish over the prior art of record. The remaining claims presently stand rejected, but, as noted above, are now believed to be allowable subject to an updated prior art search.

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-1-

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SEP 25 2003

GROUP 3600

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S&amp;L File No. 24,839 USA

The present invention relates to a hunter safety system in which each hunter carries an electronic device capable of determining its own location (such as through a GPS receiver) and communicating that information to other such devices (such as through a peer-to-peer wireless communication system or a cellular wireless communication system). The electronic device can be mounted on the hunter's firearm or body or otherwise be adapted to know the direction in which the hunter's firearm is pointing and warn the hunter and/or disable the firing mechanism of the firearm if the firearm is pointing in the direction of another one of such electronic devices (presumably carried by another hunter).

Bork, on the other hand, discloses a wireless location and direction indicator for multiple devices utilizing GPS, a compass, and a wireless communication system. However, Bork is not adapted for a hunting environment or similar outdoor environment. Instead, Bork is directed to urban-type applications such as finding lost children in malls.

As discussed in the aforementioned interview, Applicant will address herein only two of the issues raised in the Office Action.

First, the Office asserted that Bork teaches the limitation found in claim 1 of "indicat[ing] if an unsafe condition exists, said unsafe condition comprising another of said devices being within a certain distance and in a certain direction of said device" because Bork teaches providing an alert if two units become separated by more than a predetermined distance (col. 3, lines 54-58) and because Bork's devices determine their orientation relative to each other.

-2-

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SEP 25 2003

GROUP 3000

Application No. 09/885,779

S&amp;L File No. 24,839 USA

Applicant previously traversed the assertion that Bork meets this claim limitation in response to the preceding Office Action and the Office addressed Applicant's traversal in section 4 of the latest Office Action. Specifically, the Office asserted that Bork discloses indicating an unsafe condition when another one of the devices is within a certain distance of the device. However, on the contrary, Bork teaches indicating an unsafe condition when another of the devices is without (i.e., farther than, not closer than) a certain distance. This does not meet the claim element.

Agreement was reached Bork during the telephone interview that this limitation patentably distinguishes over.

Furthermore, the Office also asserted that the Bork device determines the direction between itself and another device and, therefore, also meets the "in a certain direction" limitation of the claim. However, whether Bork determines the direction of the other device is not the issue. Claim 1 recites that the device issues a warning based on the condition, *inter alia*, that the other device is in a certain direction relative to the device. Bork does not disclose this. His warning clearly is based solely on distance. The warning in the present invention, on the other hand, is based on distance and direction.

Agreement was reached during the telephone interview that this limitation patentably distinguishes over Bork.

Independent claim 9 includes essentially the same substantive limitations discussed above in connection with claim 1 and, therefore, distinguishes over the prior art for the same reasons.

Application N . 09/885,779

S&amp;L File No. 24,839 USA

All other claims depend from one of claims 1 and 9 and, therefore, also distinguish over the prior art of record for the same reasons.

The second issue discussed in the telephone interview pertained to an additional distinction over the prior found in dependent claim 21. Claim 21 depends from independent claim 9 and recites that "said processing device causes said transmitter to transmit said location information only if said apparatus has moved more than a predetermined distance since the last time the apparatus transmitted its location information." The Office asserted that Bork teaches that the transmitter transmits its location information only if the apparatus has moved more than a predefined distance since the last time the apparatus transmitted its location information.

Applicant also previously traversed this issue in response to the previous Office Action and the Office replied to that traversal in section 4, fifth (last) paragraph of the latest Office Action. Specifically, the Office asserted that Bork discloses this feature in col. 5, lines 8-12 where it states "the direction indication at the paging device are preferably exhibited on a display and are most preferably updated continuously since the user of the paged device maybe moving, e.g., walking, mobile and the like" (underlining added).

However, the part of Bork quoted by the Office actually teaches the exact opposite of what the Office asserts. It teaches that the information is updated continuously because the user may be moving. Claim 21, on the other hand, essentially recites that the information is updated discontinuously because it